

# STATE OF INDIANA



INDIANA UTILITY REGULATORY COMMISSION  
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## FILED

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INDIANA UTILITY  
REGULATORY COMMISSION

CAUSE NO. 42643

IN THE MATTER OF THE PETITION )  
OF THE CITY OF GARY, INDIANA )  
REQUESTING THE INDIANA UTILITY )  
REGULATORY COMMISSION TO )  
ESTABLISH THE TERMS AND )  
CONDITIONS OF THE SALE OF )  
CERTAIN PROPERTY OF NORTHERN )  
INDIANA PUBLIC SERVICE COMPANY )  
TO THE CITY OF GARY AND FOR A )  
DETERMINATION OF THE VALUE OF )  
SUCH PROPERTY UNDER INDIANA )  
CODE SECTIONS 8-1-2-92 AND 8-1-2-93 )  
RESPONDENT: NORTHERN INDIANA )  
PUBLIC SERVICE COMPANY )

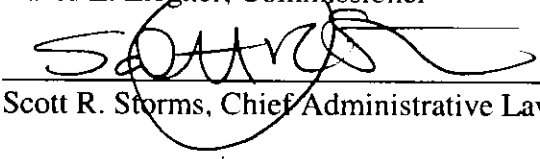
You are hereby notified that on this date the Indiana Utility Regulatory Commission ("Commission") caused the following entry to be made in this Cause:

On November 8, 2004, Petitioner City of Gary ("Petitioner" or "City") filed a *Motion for Extension of Time to Pre-File Rebuttal Testimony and Exhibits and Continuance of Evidentiary Hearing* ("Motion") in this matter. In its Motion, the City indicates that it has been in settlement discussions which, if successful, may reduce the number and nature of the issues to be litigated in this case. Accordingly, the Petitioner requested an extension of time to prefile its rebuttal testimony until January 7, 2005 to allow settlement discussions to continue. In making this request, the Petitioner recognized that granting the Motion would also necessitate a continuance of the Evidentiary Hearing currently scheduled for two (2) days beginning November 30, 2004.

Counsel for the Petitioner indicates in the Motion that each of the parties, except the Respondent, indicated that they do not oppose a continuance of the Evidentiary Hearing. On November 9, 2004, the Respondent Northern Indiana Public Service Company, Inc., ("NIPSCO") filed a *Response to Petitioner's Request for Extension of Time*, in which it indicated, inter alia, that it did not support or oppose the Motion.

The Presiding Officers, having reviewed the Motion and being duly advised in the premises hereby takes the Motion under advisement and converts the Evidentiary Hearing scheduled in this matter for November 30, 2004, to a Settlement Hearing. If the parties reach settlement, the agreement should be submitted to the Commission on or before November 23, 2004. If this matter is not resolved by agreement the parties should be prepared at the Settlement Hearing to advise the Presiding Officers regarding the specific issues to be litigated in this Cause. The Presiding Officers will schedule subsequent dates for the prefiling of testimony, and a revised date for the Evidentiary Hearing, as necessary, based on our review of the status of the case at the Settlement Hearing.

**IT IS SO ORDERED.**

  
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David E. Ziegner, Commissioner  
\_\_\_\_\_  
Scott R. Storms, Chief Administrative Law Judge

11-12-04  
\_\_\_\_\_  
Date